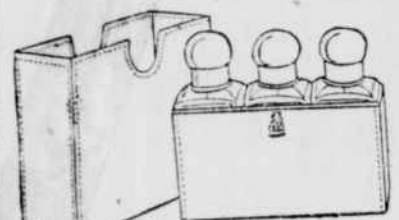




Goods Charged in London to Home Account—Prices Less U. S. Duties.

**Purchasing inferior articles to save money is about as logical as keeping the gas burning to save matches.**

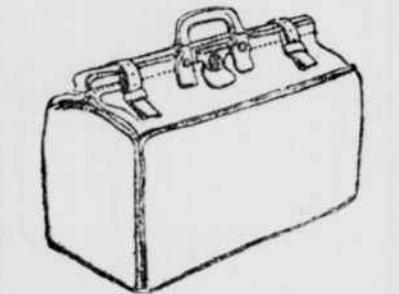
### Cross Bottle Set



Pigskin Telescope Case, Hand-sewn, 4 1/2 Inches Long x 3 3/4 Deep—Contains 3 Crystal Bottles, with Nickel Screw Tops and Ground Glass Stoppers... **\$4.50**  
 OTHER Cases to Hold 2, 3, 4 Bottles.  
 FLASK—Crystal, with Nickel Screw Top Which Forms Cup—In Tan Hide Slip Case—Will Hold 1/2 of a Pint... **\$2.75**  
 To Hold 1/2 Pint... **\$3.50**  
 LEATHER COVERED, with Sterling Silver Cup and Top—From... **\$7.00**  
 DRINKING CUP—Nickel, in Blue or Green Morocco Case... **\$2.50**

**We desire a choice in everything in life—in the purchases we make—in the duties we perform—even our virtues are dominated by our tastes.**

### Cross English Kit Bag



Made of Tan Grained Oxhide, Hand-sewn Throughout—Cleanly Check Linen Lining—1 Long Inside Pocket—Brass Lock and 2 Clip Fasteners—Single Handle—Most Capacious Bag for Its Weight Ever Made.  
 18 Inches—20 Inches—**\$14.50 \$15.50**  
 22 Inches—24 Inches—**\$16.50 \$17.50**

PORTFOLIOS for Carrying Papers—Black or Tan Oxhide—15 1/2 Inches Long x 10 1/2 Deep—Supplied with Two Compartments—Flap Cover, Which is Fastened by a Strap and Buckle on Either Side... **\$5.50**  
 CANES—Silver Mounted—From... **\$2.50**  
 ENGLISH SILK UMBRELLAS—Best Wood Sticks... **\$5.00**  
 FOLDING UMBRELLAS—For Travelling—Silk Covered... **\$6.00**

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 Orders by Mail Will Receive Prompt Attention.

First Floor—Leather Goods, Luggage, Stationery, Gloves.  
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World's Greatest Leather Stores  
 Agents Throughout the World  
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 Opposite City Hall  
 Roston—145 Tremont Street

## MODIFIED TOBACCO PLAN UPSED BY WICKERSHAM

Tried to Aid Company and Court, He Says, in Averting Ruin of a Receivership.

### NICOLL TAKES UP DEFENCE

Ledyard Calls Government's Contentions Absurd—Choate Speaks for Bondholders—Judges to Draw Decree.

Attorney General Wickersham, in his oral argument yesterday before Judges Lacombe, Cox, Noyes and Ward, of the United States Circuit Court, did not in any direct objection to the reorganization plan of the American Tobacco Company beyond explaining his suggestions submitted to the court the day before as to the conditions that should be imposed by the court in accepting the plan. The Attorney General said the failure to find some means of dividing this great combination and the resultant receivership and injunctions would have meant a tremendous catastrophe to the industries of the country, and that it was for this reason that he had used every effort to aid in the formulation of a plan that would comply with the law.

As to the continued ownership of stock by the same men in the same proportions in all the new companies that were to be created to compete, Mr. Wickersham said that he was theoretically opposed to it, and that if it had been practicable he would have insisted that in this case a different disposition should be made. But, the Attorney General added, he was confronted with a series of precedents in the Supreme Court and with the practical condition imposed by the highest court in limiting the time for disintegration, thus indicating that it did not contemplate any such change.

The government's demand that it should have the right to bring the case into court for review during a period of five years, or at least three, was again energetically advocated by the Attorney General. Anticipating the objections that would be made to this demand by the opposing counsel, Mr. Wickersham said that this provision, in his opinion, would not affect seriously the issue of the new securities, while it would keep open the door of this court to the government in case the fact should be proven in the practical operation of the plan that it did not really restore competitive conditions. He was equally insistent upon a complete change in the stock ownership of the United Cigar Stores Company.

#### Wickersham Evokes Protests.

Joseph H. Choate, representing the 4 per cent bondholders' committee, protested vigorously against the demand of the government for the five-year clause. He said that the bondholders would refuse to surrender their securities under such an arrangement, as the government might come in at any moment and disturb conditions or destroy the whole groundwork of reconstruction. "If this condition were incorporated in the decree not a single bondholder would come in," Mr. Choate exclaimed.

The protest of the American Tobacco Company against this demand of the government was made in more drastic language by Lewis Cass Ledyard. He denied the right of the court to impose such a condition, declared that it would be fatal to the success of the plan and that it was absurd. He spoke of the rumored prosecutions and those already pending against other combinations, and saying that politics was an unknown force in our government he attempted to show how dangerous it might be if an unscrupulous Attorney General should succeed to this right by which business was to be conducted by the license of the executive government.

The matter now rests with the four judges of the United States Circuit Court, who will proceed to draft a decree after they have reached an agreement among themselves. It was said yesterday that the parties to the suit would be called for further conferences with the judges before the decree would be issued.

When the court convened yesterday the setting of the scene did not differ in the least from that of the day before. There was the same array of legal representatives and the courtroom was filled to its capacity. DeLancy Nicoll took up his argument in reply to the objections made to the plan by the independent interests.

#### DeLancy Nicoll Defends Plan.

Mr. Nicoll spoke of the difficulty encountered in devising the plan and of the opposition by the Attorney General, whose most drastic and radical demands had been embodied in the plan, despite the fact that they imposed upon the stockholders of the company enormous burdens.

The independent tobacco and cigar manufacturers who opposed the plan, Mr. Nicoll said, represented a business valued at more than \$350,000,000 a year and were combined in this cause to cripple the small competitor. Mr. Nicoll continued:

"These are the poor devils and suffering persons who Mr. Brandeis, Mr. Yerkes and others described to this court yesterday. These interests, one firm alone of which manufactures more than \$50,000,000 worth of goods a year, are the ones who are the backbone of the industry."

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Quality, Style and Fit are sharply defined in all our Fall and Winter garments for Men and Boys.

You'll certainly find just the Suit or Overcoat you want in our vast range of patterns.

Light Suits... **\$18 to \$50**  
 Fall-weight Overcoats **\$16 to \$42**  
 Winter Overcoats... **\$18 to \$75**

ESTAB. OVER HALF A CENTURY

What do they want in this case? They want the American Tobacco Company thrown into the hands of a receiver in order that they may pick up some of the good things of this company at the auction block.

After Adrian H. Larkin, on behalf of the preferred stockholders' committee, and L. C. Krauthoff, on behalf of the minority stockholders, had spoken in favor of the plan, Judge Lacombe announced Attorney General Wickersham's argument in the case, and a breathless silence descended upon the courtroom as Mr. Wickersham arose and began his address to the court, in which he said in part:

"I must confess to a great deal of sympathy with the position of the independent interests who have appeared at the bar of this court, and to some amusement at the indignant protest of the representative of the American Tobacco Company concerning what he deemed the extravagant claims of the independents in this situation. I can readily imagine that men who have for years been fighting this great combination, now standing condemned at the bar of this court, may well come here insisting your honors to apply the lex talionis and send it forth crippled and ruined and dejected, and invest them with the power to grow as great as the great combination has been in the past."

#### Decision Leaves No Doubt.

But this is not the function of the government, nor is it the function of this court, to pay heed to such demands, however equitable they may seem outside of legal proceedings. You are we left in doubt by the decision of the Supreme Court of the United States as to the consideration which must govern upon that subject, and we must turn in a measure a deaf ear to considerations which might appeal to our humanitarian sense, but which may not move our legal judgment."

Mr. Wickersham then spoke about the power and the function of the court in this matter. The Standard Oil case was a simple problem, he said, that being a corporation which held the stock of some thirty-eight other corporations. The Supreme Court decided that the stocks should be distributed pro rata to the stockholders of the New Jersey corporation, recognizing that the same individuals, in the same right, for the time at least, would control each and every one of the corporations.

When it came to deal with this case, Mr. Wickersham continued, the court had before it a history of amalgamation not simply by stock ownership but by every known device, and so it remitted the case back to this court for the purpose of working out some scheme of disintegration which would restore legal conditions. He continued:

"And for this purpose, not so much because of the interest of the unfortunate bondholders, but because of the public interest, because of the great calamity to the business interests of the country, the court foresaw would certainly follow if this great, intricate network of industry, which had been built up through twenty years of effort, were pulverized by the court in remitting it, pointed out the considerations which should govern this court in its action under the decree."

#### Would Avoid Catastrophe.

Pointing out that under the decree the defendants had to accept any conditions imposed by the court if they desired to escape receivership and injunctions, Mr. Wickersham resumed:

"I may say frankly as the head of the Department of Justice that I had hoped from the beginning, and I still hope, that I could somehow find a way to advance the object of working it out here and assisting the court and the American Tobacco Company in working out a plan which should honestly conform to the requirements of the law, because I think that it would be a tremendous catastrophe to the industries of this country if some means of dividing up this great combination should not be realized and if the disintegration and the ruin which would inevitably result from receivership and injunctions should follow."

The size of the corporations into which the American Tobacco Company was to be dissolved was the first question, Mr. Wickersham said. He spoke of his insistence at the conferences to reduce the size of those companies, though he said he accepted Judge Hooke's decision that magnitude of business did not alone constitute monopoly, and also shared the views of President Taft on the matter as expressed in the special message to Congress in January, 1910.

But the government's position in this case, he added, was that an illegal combination was to be dissolved to restore competitive conditions, and any doubt as to the size of the companies should be resolved against the proponents.

Mr. Wickersham submitted to the court a report of the Bureau of Corporations, showing that the distribution of brands in the proposed plan was a fair one, and assured competition in buying raw material and selling finished brands. American Tobacco shares and bonds advanced sharply yesterday, on the friendly attitude shown toward the reorganization plan by the Attorney General. The common stock, of which 444 shares were sold, rose to 422, or 34 points above Monday's final price, and closed with a net gain of 32 points at 420, while the preferred, which is dealt in on the Stock Exchange, made a net advance of 2 1/2, closing at the high of the day, 97.

There were transactions of more than \$600,000 par value in the 6 per cent bonds, which closed at 113 1/2, a net gain of 2 1/2 points, and the 4 per cent, the dealings in which aggregated about \$200,000, closed 1/4 up at 91 1/4.

### FIRST FIGHT AGAINST TRUST Battle Recalls Olcott's Work As District Attorney.

In speaking to the Police Lieutenant's Association at Terrace Garden last night George Gordon Battle digressed sufficiently from a resume of the history of police action against the world to tell a story of the time when he was an assistant district attorney under William M. K. Olcott. He said it was not generally remembered that it was under Mr. Olcott's regime that the first indictment against the promoters of corporate trusts was tried.

"This was an indictment against the directors who first formed the American Tobacco Company, charging them with conspiring in restraint of trade," said Mr. Battle. "The defence interposed was that it was legal to form a corporation, and therefore their combination for that purpose could not be a criminal conspiracy. As against this proposition the District Attorney urged that a conspiracy was an illegal combination either to do an illegal act, or, on the other hand, to accomplish an act which might otherwise be legal by means which were in themselves illegal; that the law would look to the substance and not to the form; and that if there was in fact such a combination in the case of the American Tobacco Company the law would condemn it even though the form of incorporation had been valid."

"This question was first raised on demurrer and came up before Judge Fitzgerald, then in the Court of General Sessions. He sustained the view of the District Attorney and disallowed the demurrer, holding that if the combination was otherwise illegal the form of a corporation would not relieve its members from liability. Judge Olcott prosecuted the case himself and the defendants were represented by no lesser counsel than Mr. Joseph H. Choate. My recollection is that the case was tried before Judge Fitzgerald and there was a disagreement, the jury standing eight to four for conviction."

## TAMMANY HALL NOW SEES BREAKERS AHEAD

Reports to Murphy, It Is Said, Show "Tiger's" Situation To Be Desperate.

### CANDIDATES ARE NOTIFIED

Hurriedly Arranged Exercises, with Emmet as Defender—Only Real Applause Is for Cohalan.

Tammany Hall has suddenly awakened to the fact that its ticket is in danger of going down to defeat. It is said that confidential reports made to "Boss" Murphy by his leaders show that the situation is desperate.

The result has been that the Democratic organization has been spurred into action. Although it had been decided some time ago that there would be no formal notification of the county candidates this year and no big rallies, outside of the usual ratification at Tammany Hall, hurriedly arranged notification exercises were held at 5 o'clock yesterday afternoon at the Hotel Knickerbocker.

Arrangements were also made for a big mass meeting at Carnegie Hall on Saturday night. Some of the most prominent men in the party here have been drafted to speak. Mayor Gaynor is to preside. The other speakers, as announced yesterday, are to be Senator O'Gorman, Alton B. Parker, Norman E. Mack, chairman of the national committee and chairman of the state committee, Herman Ridder and Samuel Untermyer.

The bitterness in the ranks of the faithful because the Democratic League is supporting the fusion cause was evidenced when Mr. Emmet said: "Never in the history of our city has there been such a scandalous assault on the principle of an independent judiciary as is now being made by the misguided men who, calling themselves Democrats, this year flocked with the Republicans in the name of fusion and reform."

"The men chosen as judicial candidates," declared Mr. Emmet, "were in several cases men who, prior to the commencement of their judicial service had been opposed to the regular Democratic organization in this country, but they made good judges, and they were re-nominated, and that account alone, and without regard to their past factional or political affiliations."

#### Appeals to "Independent Friends."

Defending the record of the Democratic Legislature at Albany, Mr. Emmet said that even if his "independent friends" did not like everything done at Albany it was their duty to see that another Democratic Assembly was sent back this winter.

The only spontaneous applause of the afternoon was when Justice Daniel F. Cohalan stepped forward to accept his nomination. "If I am elected," he said, "I promise to give myself unreservedly to the public service and to serve the people without bias or prejudice, without fear or favor, with strict impartiality, and with all the strength and energy which I possess."

Charles F. Murphy was not on hand, but Thomas F. Smith, secretary of Tammany Hall, was there to see that everything ran smoothly. In addition to the candidates and "Chief Notifier" Emmet there were few men prominent in Tammany Hall present. Among those few were Congressmen Goldfogle and Sulzer and Assemblymen Foley and Smith, the latter the majority leader of the lower branch of the Legislature. In all there was about half a hundred persons who listened to the long defence of Tammany Hall and its ticket from Mr. Emmet and to the brief replies of the candidates. Prominent in the front of the room was a man who was recognized as one of those who tried to break up the meeting of the Democratic League at which Thomas Mott Osborne spoke at fusion headquarters the other night.

Mr. Emmet gave an eloquent eulogy of Julius Harburger, the candidate for Sheriff. The only word of dissent he declared, "come from that negligible minority in our citizenship who, I am sorry to say, are too restricted in vision, too prejudiced in mind, too narrow in their sympathies, too steeped in class spirit, to be able to ever understand that there is any virtue, merit or efficiency in this world outside their own class and social circle."

Justice Pendleton and Henry B. Hotel Committee and the House Naval Committee in succession.

The more important ships of the fleet lie off these streets: Connecticut, West 57th street; Delaware, 62d street; North Dakota, 67th street; Louisiana, 75th street; Vermont, 83d street; New Hampshire, 88th street; South Carolina, 94th street; Kansas, 98th street; Minnesota, 102d street; Missouri, 107th street; Ohio, 111th street; Mississippi, 116th street; Idaho, 120th street; Georgia, 129th street; Nebraska, 130th street; New Jersey, 134th street; Virginia, 140th street; Washington, 144th street; North Carolina, 149th street; Maine, 153d street; Iowa, 158th street; Indiana, 160th street; Massachusetts, 162d street; Utah, 169th street; Florida, 174th street.

After the fleet leaves the Narrows tomorrow it will be split up into two squadrons of two divisions each, the first, headed by the Connecticut, going to Newport, and the second turning south to Norfolk. After a few days in port a war game will be played at sea, the flagship fleet being the attackers and the Norfolk fleet the defenders.

### RICH WIDOW ACTOR'S BRIDE

Mrs. Alanson Sumner Married to Julius McVicker.

Julius McVicker, who portrays handsome lovers in light opera as a regular means of livelihood, was married yesterday afternoon to Mrs. Alanson Sumner, the young widow of a Standard Oil man, who died about a year ago, leaving her \$15,000,000. It is said. The marriage was performed by the Rev. Dr. Houghton at the "Little Church Around the Corner."

The guests at the ceremony were the sister and brother of the bride, and a few intimate friends. After the wedding Mr. and Mrs. McVicker went to the Hotel Marlborough, where a dinner was served.

Mrs. McVicker was married sixteen years ago to Alanson Sumner, a self-made man who had founded an oil business, which was later merged with the Standard Oil Company. Mr. Sumner was a close friend of John D. Rockefeller, Henry M. Flagler, and other leaders in the oil industry.

Until he was sixty-five years old Mr. Sumner remained single. Then he went on a yachting cruise with Mr. Flagler, and there met the future Mrs. Sumner. It seemed to be a case of love at first sight, and soon after the aged man and the young girl were married. They lived happily together for fifteen years, when Mr. Sumner died, leaving the bulk of his fortune to his wife.

It is said that Mrs. Sumner first saw McVicker on the stage and that they met shortly after this. It is understood that Mr. McVicker will continue to play in light opera.

### AERIAL EXPERT KILLED

Prof. Montgomery Falls from His Aeroplane Glider.

San Jose, Cal., Oct. 31.—Professor John J. Montgomery, of Santa Clara College, died this afternoon, after a fall from an aeroplane glider he was experimenting with near Evergreen. Apparently he lost control of the machine. He sustained injuries to the brain.

Mrs. Montgomery was watching her husband when the tragedy occurred. She says the machine was about 120 feet from the ground when it fell.

Professor Montgomery was noted as the inventor of an aeroplane glider, as well as for the invention of an electrical recorder which has been the subject of litigation in this city and San Francisco. He was fifty years old.

## THROGS SEE THE FLEET

Continued from first page.

or revoked, the owner of a boat fined \$500 and any other person liable to a penalty of \$250. Laws and regulations will be rigidly enforced as to all classes of boats, and special precautions will be taken to prevent overcrowding of vessels leaving docks to witness the inspection and the review.

The programme of inspection this afternoon is as follows:

The Secretary and his guests will arrive on the Dolphin near the fleet flagship at about 2:30 p. m. The Connecticut will salute the Secretary's flag. Immediately thereafter the commander in chief, division commanders and the commander of the torpedo fleet will pay their respects to the Secretary on board the Dolphin. Division commanders and the commander of the torpedo fleet will assemble on board the Connecticut by 3:30 p. m.

The Secretary will then visit each division flagship and possibly other ships. The Secretary will use his own large. Commanding officers of the ships of the several divisions will assemble on board their respective division flagships by 2:30 p. m. Commanders of divisions of the torpedo fleet will assemble on board the Dolphin by 3:30 p. m.

The visit of the Secretary will be followed by visits from the Senate Naval Committee and the House Naval Committee in succession.

The more important ships of the fleet lie off these streets: Connecticut, West 57th street; Delaware, 62d street; North Dakota, 67th street; Louisiana, 75th street; Vermont, 83d street; New Hampshire, 88th street; South Carolina, 94th street; Kansas, 98th street; Minnesota, 102d street; Missouri, 107th street; Ohio, 111th street; Mississippi, 116th street; Idaho, 120th street; Georgia, 129th street; Nebraska, 130th street; New Jersey, 134th street; Virginia, 140th street; Washington, 144th street; North Carolina, 149th street; Maine, 153d street; Iowa, 158th street; Indiana, 160th street; Massachusetts, 162d street; Utah, 169th street; Florida, 174th street.

### MR. WICKERSHAM A WITNESS

Testifies in Contest of Miss Van den Heuvel's Will.

Attorney General Wickersham was a witness yesterday in the Surrogate's Court in the contest of a codicil to the will of Miss Charlotte Van den Heuvel, giving a house and its contents to her nurse, Miss Caroline Koch. This codicil, which was made in 1904, was the second that the testatrix made to her will. Miss Van den Heuvel was a great-granddaughter of Robert Morris, a Revolutionary fame.

Several of her relatives are trying to prove that she was suffering from senile dementia when she executed her second codicil. Mr. Wickersham, as a member of the law firm of Strong & Cadwalader, used to manage the affairs of Miss Van den Heuvel. He was questioned by Henry W. Taft, his former associate, who appears for the executors, who are contesting the codicil. Mr. Wickersham said he attended to Miss Van den Heuvel's investments, collected her dividends and drew her will in 1894.

He said he employed Dr. J. W. Brannon, of Bellevue Hospital, and Dr. Charles L. Dana to examine his friend and client as to her mental condition. One sign of her mental weakness, he said, was her childish pleasure in signing checks. She also displayed a keen delight in Christmas trees. As to her memory, said the witness, she did not always recognize him, and when he would tell her who he was she would say: "Oh, yes, you are my lawyer."

Dr. Brannon was also a witness yesterday. He treated Miss Van den Heuvel for a long period for various ailments, and then, together with Dr. Dana, examined her as to her mental condition. Both doctors decided that she was mentally incapable of caring for her property.

John Kiehl, a druggist, who was one of the witnesses of the contested codicil, said that Miss Van den Heuvel was under no restraint when she signed the codicil, but that he doubted her sanity, and communicated his suspicion to the law firm of Strong & Cadwalader.

### CITY EMPLOYEES TO SEE REVIEW.

The Board of Aldermen, always keen to care for the interest of the city employees, passed a resolution yesterday asking that so far as possible every head of a city department close down his office Thursday, so the men under him might do honor to the nation by watching the review of the fleet to-morrow.

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## WILTON CARPET

in Exclusive New Designs

THE demand for a Carpet which possesses an artistic value conforming to the higher decorative standards is fully met by our handsome Wiltons.

The thick, firm pile of this fine weave offers unusual possibilities for effective treatment of design and color, full advantage of which we have taken in producing among our new Autumn patterns many beautiful effects suitable for high-class decorations.

The closely woven texture of our Wiltons is also a guarantee of long and satisfactory service.

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MADE UP OR PREPARED ON SPECIAL ORDER AFTER SELECTED DESIGNS.

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SKETCHES AND ESTIMATES SUBMITTED ON REQUEST.

### FUR NECKPIECES, MUFFS

AND OTHER FUR ARTICLES MADE TO ORDER

A FINE SELECTION OF MATCHED SKINS BEING SHOWN FOR THE PURPOSE, INCLUDING RUSSIAN AND HUDSON BAY SABLE, SILVER FOX, CHINCHILLA AND BROADTAIL.

Fifth Avenue, 34th and 35th Streets, New York.

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 By CAPT. WILBUR LAWTON,  
 Author of "Boy Aviators Series."

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## The Four Contest Prize KRAKAUER PIANOS

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 WAREROOM, 17 EAST 14th STREET

On account of alterations in building we are now conducting a special sale, having reduced prices materially on all pianos. Call and convince yourself.

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 Brooklyn: 350 Livingston St. Bronx: 136th St. and Cypress Ave.

### WOMAN KILLED BY AUTO

Becomes Confused When Driver Stops and Starts Again.

Mrs. Rosie Jacobs, of No. 88 Westchester avenue, The Bronx, was knocked down by an automobile yesterday afternoon at St. Ann's avenue and 19th street, The Bronx, and so badly injured that she died later in Lehigh Hospital. She was fifty years old.

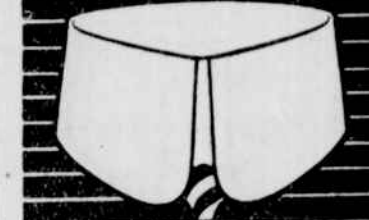
The automobile was owned and driven by George Purdy, an automobile salesman, of No. 281 Heath avenue, The Bronx. He stopped his machine when he saw the woman in his path. She also stopped, but, becoming confused, started again just as Purdy turned on the power, but the mud guard struck her and she fell to the street. Purdy picked her up and hurried her to the hospital. The physicians there said that her skull was fractured.

### NEW YORK SUFFRAGISTS GAIN

Promise Strenuous Campaign for Ballot at Albany This Winter.

Albany, N. Y., Oct. 31.—A gain of more than twelve hundred members in the last twelve months was reported at the annual convention of the New York State to-day by Harriet M. Mills, of Syracuse, the president. The association now has a membership of 8,411, the largest in its history, and is planning to make another strenuous campaign at Albany this winter for legislation favorable to woman suffrage.

Mrs. Frederick Nathan and others prominent in the cause spoke to a large audience to-night. The delegates are being entertained by the city.



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